



PATENT APPLICATION  
Docket No: 13914.889

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
 )  
 Dalebout et al. )  
 )  
 Serial No.: 10/649,318 )  
 )  
 Filed: August 27, 2003 )  
 )  
 For: EXERCISE DEVICE WITH ELONGATE )  
 FLEXIBLE MEMBER )

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: IDS – NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of November, 2003:

- Transmittal for Information Disclosure Statement (3 pgs.) (in duplicate)
- Information Disclosure Statement (3 pgs.)
- Form PTO-1449 (9 pgs.)
- Copies of 49 references
- Postcard

Respectfully submitted,

Linda Clark, Assistant to  
David B. Dellenbach  
Attorney for Applicant  
Registration No. 39,166  
Customer No. 022913

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## PATENT APPLICATION

Docket No: 13914.889

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Dalebout et al.

Serial No.:

10/649,318

Filed:

August 27, 2003

For:

EXERCISE DEVICE WITH ELONGATE  
FLEXIBLE MEMBER

## TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: IDS – NO FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☒ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

☒ Form PTO-1449 listing 132 references submitted for consideration.

☒ Copies of the required 49 references listed on the Form PTO-1449.

☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.

☐ Copies of the following documents from the prosecution of a previous, related application:

☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

☐ Promptness Certification; or

☐ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

☐ Promptness Certificate;

☐ Petition for Consideration; and

\_\_\_\_ Check No. in the amount of \$\_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. \_\_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_\_ Petition to Withdraw from Issue; and

\_\_\_\_ Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 24<sup>th</sup> day of November, 2003.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicant  
Registration No. 39,166  
Customer No. 022913



PATENT APPLICATION  
Docket No: 13914.889

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|                      | Dalebout et al.               | ) |
|                      |                               | ) |
| Serial No.:          | 10/649,318                    | ) |
|                      |                               | ) |
| Filed:               | August 27, 2003               | ) |
|                      |                               | ) |
| For:                 | EXERCISE DEVICE WITH ELONGATE | ) |
|                      | FLEXIBLE MEMBER               | ) |

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Mail Stop – IDS – NO FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which

the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Statement of Relevance of References Listed  
Unaccompanied by English Translation  
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided:

**German Patent No. 2 032 544 : Gymnastics hemisphere – of pvc or synthetic rubber.**

**Abstract (Basic) DE 2032544A:** Gymnastics and toy hemisphere is of PVC or synthetic rubber, compressed into a solid body, with holders fitted to the surface.

**Title Terms:** GYMNASTIC; HEMISPHERICAL; PVC; SYNTHETIC; RUBBER.

\* \* \* \* \*

**German Patent No. 3 150 189 A1: Balancing board for games and exercise – has spherical calotte lower part with stand face for rotary and other movement.**

**Abstract (Basic) DE 3150189A:** The balancing board has a spherical calotte or bowl shaped lower part (2) provided on its flat side (9) with a standing surface (11). After a short time the person standing on this board cannot only keep his balance but also by changing the load on the legs and altering the center of gravity can carry out rotating and forward movements.

The board which is easy and small to carry around requires little space in which it can be used, for example, even in a room. The balancing movement can be used as good training for skiing.

**Title Terms:** BALANCE; BOARD; GAME; EXERCISE; SPHERE; CALOTTE; LOWER; PART; STAND; FACE; ROTATING; MOVEMENT.

\* \* \* \* \*

**German Patent No. 3 620 706 A1: Sports or therapy appliance – consists of flat covering plate to which faceted base is fixed.**

**Abstract (Basic) DE 3620706A:** The appliance for use in sport or therapy consists of a flat covering-plate (12) to which is fixed a base (14) shaped like a spherical cap outside. The top of the base (14) has facets (18, 20, 22) at least the part facing away from the cover-plate (12).

The facet (18) furthest away from the plate (12) is parallel to it. Several rings of 8 equi-sized facets surround the facet furthest away from the covering-plate (12).

USE/ADVANTAGE – The piece of sports equipment consists of a faceted based which is moved to a steady position by a person balancing on its flat cover-plate.

Title Terms: SPORTS; THERAPEUTIC; APPLIANCE; CONSIST; FLAT; COVER; PLATE; FACET; BASE; FIX.

\* \* \* \* \*

**German Patent No. 20200269U1, Issued 6/20/2002:** A compliant body-pressing exerciser, apparently equivalent to Great Britain Patent No. GB 2383759.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 24<sup>th</sup> day of November, 2003.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicant  
Registration No. 39,166  
**Customer No. 022913**

DBD/lrc  
LC0000000261V001

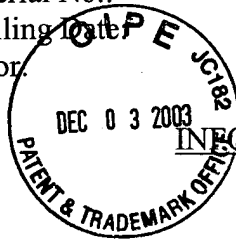
Applicant: Dalebout, et al.

Serial No.: 10/649,318

Att'y Docket No.: 13914.889

Filing Date: August 27, 2003

For: EXERCISE DEVICE WITH ELONGATE FLEXIBLE MEMBER

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

| <u>Examiner<br/>Initial*</u> | <u>Document<br/>Number</u> | <u>Issue Date/<br/>Publication Date</u> | <u>Name</u>   |
|------------------------------|----------------------------|---|---------------|
| ___ 1                        | Des. 361,604               | August 22, 1995                         | Stroppiana    |
| ___ 2                        | Des. 481,086               | October 21, 2003                        | Broudy        |
| ___ 3                        | 1,585,748                  | May 25, 1926                            | Wendelken     |
| ___ 4                        | 1,755,205                  | April 22, 1930                          | Christensen   |
| ___ 5                        | 1,795,304                  | March 10, 1931                          | Howard        |
| ___ 6                        | 1,861,668                  | June 7, 1932                            | Tenney        |
| ___ 7                        | 2,077,233                  | April 13, 1937                          | Greenhill     |
| ___ 8                        | 2,521,530                  | September 5, 1950                       | McGuffage     |
| ___ 9                        | 2,822,554                  | February 11, 1958                       | Wenzelberger  |
| ___ 10                       | 2,978,243                  | April 4, 1961                           | Gabrielson    |
| ___ 11                       | 2,991,589                  | July 11, 1961                           | Ayala         |
| ___ 12                       | 3,024,021                  | March 6, 1962                           | Coplin et al. |
| ___ 13                       | 3,310,320                  | March 21, 1967                          | Hanna, et al. |
| ___ 14                       | 3,356,367                  | December 5, 1967                        | Tewksbury     |
| ___ 15                       | 3,419,267                  | December 31, 1968                       | Stolle        |
| ___ 16                       | 3,421,163                  | January 14, 1969                        | Stoughton     |
| ___ 17                       | 3,427,019                  | February 11, 1969                       | Brown         |

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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|         |           |                    |                        |
|---------|-----------|--------------------|------------------------|
| ____ 18 | 3,511,500 | May 12, 1970       | Dunn                   |
| ____ 19 | 3,604,726 | September 14, 1971 | Tracy                  |
| ____ 20 | 3,627,314 | December 14, 1971  | Brown                  |
| ____ 21 | 3,641,601 | February 15, 1972  | Sieg                   |
| ____ 22 | 3,716,229 | February 13, 1973  | Van Der Cleyen, et al. |
| ____ 23 | 3,974,827 | August 17, 1976    | Bodeen                 |
| ____ 24 | 4,065,124 | December 27, 1977  | Egan                   |
| ____ 25 | 4,067,078 | January 10, 1978   | Winston                |
| ____ 26 | 4,126,129 | November 21, 1978  | Rainbow                |
| ____ 27 | 4,159,826 | July 3, 1979       | Hancock                |
| ____ 28 | 4,191,371 | March 4, 1980      | Armer, Jr.             |
| ____ 29 | 4,263,682 | April 28, 1981     | Bejarano               |
| ____ 30 | 4,357,724 | November 9, 1982   | Laforest               |
| ____ 31 | 4,454,869 | June 19, 1984      | Byler                  |
| ____ 32 | 4,516,767 | May 14, 1985       | Eskijian               |
| ____ 33 | 4,516,768 | May 14, 1985       | Gallaro                |
| ____ 34 | 4,624,021 | November 25, 1986  | Hofstetter             |
| ____ 35 | 4,474,370 | October 2, 1984    | Oman                   |
| ____ 36 | 4,779,297 | October 25, 1988   | Sturges                |
| ____ 37 | 4,801,140 | January 31, 1989   | Bergeron               |

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Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant:

Dalebout, et al.

Serial No.:

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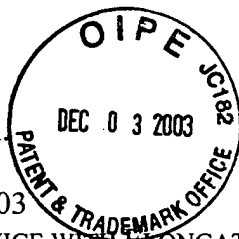
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For:

EXERCISE DEVICE WITH ELONGATE FLEXIBLE MEMBER



|          |           |                    |                   |
|----------|-----------|--------------------|-------------------|
| _____ 38 | 4,880,226 | November 14, 1989  | Krantz            |
| _____ 39 | 4,893,809 | January 16, 1990   | Blankenzee        |
| _____ 40 | 4,896,388 | January 30, 1990   | Bard              |
| _____ 41 | 4,946,160 | August 7, 1990     | Bertoletti        |
| _____ 42 | 5,048,823 | September 17, 1991 | Bean              |
| _____ 43 | 5,062,629 | November 5, 1991   | Vaughn            |
| _____ 44 | 5,112,045 | May 12, 1992       | Mason, et al.     |
| _____ 45 | 5,116,045 | May 26, 1992       | Jahoda            |
| _____ 46 | 5,125,880 | June 30, 1992      | Peters            |
| _____ 47 | 5,169,363 | December 8, 1992   | Campanaro, et al. |
| _____ 48 | 5,301,441 | April 12, 1994     | Kownacki          |
| _____ 49 | 5,333,336 | August 2, 1994     | Langsam           |
| _____ 50 | 5,469,592 | November 28, 1995  | Johnson           |
| _____ 51 | 5,549,536 | August 27, 1996    | Clark             |
| _____ 52 | 5,577,981 | November 26, 1996  | Jarvik            |
| _____ 53 | 5,584,787 | December 17, 1996  | Guidry            |
| _____ 54 | 5,643,154 | July 1, 1997       | Awbrey et al.     |
| _____ 55 | 5,643,165 | July 1, 1997       | Klekamp           |
| _____ 56 | 5,685,807 | November 11, 1997  | Tong, et al.      |
| _____ 57 | 5,730,690 | March 24, 1998     | Guidry            |

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|          |              |                    |                   |
|----------|--------------|--------------------|-------------------|
| _____ 58 | 5,755,651    | May 26, 1998       | Homyonfer et al.  |
| _____ 59 | 5,766,119    | June 16, 1998      | Clark             |
| _____ 60 | 5,782,639    | July 21, 1998      | Beal              |
| _____ 61 | 5,810,703    | September 22, 1998 | Stack             |
| _____ 62 | 5,813,066    | September 29, 1998 | Gebhard, et al.   |
| _____ 63 | 5,851,166    | December 22, 1998  | Bernardson        |
| _____ 64 | 5,881,407    | March 16, 1999     | Chu Pt            |
| _____ 65 | 5,897,474    | April 27, 1999     | Romero            |
| _____ 66 | 6,012,188    | January 11, 2000   | Daniels et al.    |
| _____ 67 | 6,168,551 B1 | January 2, 2001    | McGuinness        |
| _____ 68 | 6,324,710 B1 | December 4, 2001   | Hernandez, et al. |
| _____ 69 | 6,346,065 B1 | February 12, 2002  | Lapointe          |
| _____ 70 | 6,398,616    | June 4, 2002       | Motosko, III      |
| _____ 71 | 6,413,194 B1 | July 2, 2002       | Gant              |
| _____ 72 | 6,413,197 B2 | July 2, 2002       | McKechnie, et al. |
| _____ 73 | 6,419,611 B1 | July 16, 2002      | Levine, et al.    |
| _____ 74 | 6,422,983 B1 | July 23, 2002      | Weck              |
| _____ 75 | 6,547,703 B1 | April 15, 2003     | Swezey, et al.    |
| _____ 76 | 6,554,753 B1 | April 29, 2003     | Weck, et al.      |
| _____ 77 | 6,572,499 B2 | June 3, 2003       | Davies            |

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|----------|--------------------|-------------------|--------------------|
| _____    | 5,575,885 B1       | June 10, 2003     | Weck, et al.       |
| _____ 79 | 6,595,586 B2       | July 22, 2003     | Brightbill, et al. |
| _____ 80 | US 2003/0032533 A1 | February 13, 2003 | Hecox, et al.      |
| _____ 81 | US 2003/0054927 A1 | March 20, 2003    | Weck, et al.       |
| _____ 82 | US 2003/0125173 A1 | July 3, 2003      | Fan, et al.        |
| _____ 83 | US 2003/0125174 A1 | July 3, 2003      | Lin                |

Foreign Patent Documents

| <u>Examiner<br/>Initial*</u> | <u>Document<br/>Number</u> | <u>Publication<br/>Date</u> | <u>Country or<br/>Patent Office</u> |
|------------------------------|----------------------------|-----------------------------|-------------------------------------|
| _____ 84                     | 0 134 047                  | August 5, 1983              | EPO                                 |
| _____ 85                     | 2 032 544                  | January 13, 1972            | Germany (w/Eng. Abstract)           |
| _____ 86                     | 2 195 906                  | September 25, 1986          | U.K.                                |
| _____ 87                     | 3 150 189 A1               | July 21, 1983               | Germany (w/Eng. Abstract)           |
| _____ 88                     | 3 620 706 A1               | December 23, 1987           | Germany (w/Eng. Abstract)           |
| _____ 89                     | 202 00 269 U1              | June 20, 2002               | Germany                             |
| _____ 90                     | 2 383 759 A                | July 9, 2003                | U.K.                                |

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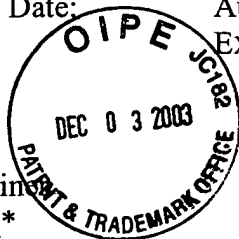
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Examiner  
Initial\*Other Documents

(including author, title, pertinent pages, etc.)

- ✓ 91 Printout of Document Bibliography and Abstract for Patents, 12.espacenet.com/espacenet/abstract (printed October 24, 2003) (1 page).
- ✓ 92 User's Manual for Weider® Bun & Ab Toner Plus, Model No. WETN07970, Copyright 1997 ICON Health and Fitness, Inc. (4 pages). ~~20~~
- ✓ 93 Information Disclosure Statement dated February, 2000, from file history of Patent No. 6,422,983 (10 pages). ✓
- ✓ 94 Information Disclosure Statement dated August, 2000, from file history of Patent No. 6,422,983 (5 pages). ✓
- ✓ 95 Indo Board Balance Trainer, [www.indoboard.com](http://www.indoboard.com), printed March 24, 2000 (4 pages).
- ✓ 96 Bongo Board: Balance Training Systems, [www.balance-boards.com](http://www.balance-boards.com), printed March 24, 2000 (2 pages).
- ✓ 97 Fitter International, Inc., [www.fitter1.com](http://www.fitter1.com), printed March 24, 2000 (7 pages).
- \* 98 Duradisk Wobble Board, etc., [www.paulchekseminars.com](http://www.paulchekseminars.com), available on information and belief, at least as early as February 2000.
- ✓ 99 Exercise Balls; Gymnic Line, etc., [www.balldynamics.com](http://www.balldynamics.com), available on information and belief, at least as early as February 2000.
- ✓ 100 Dyna-Disc Pillow, etc., Perform Better, available on information and belief, at least as early as February 2000.
- ✓ 101 Disc'O'Sit Air Cushion, etc., [www.balldynamics.com](http://www.balldynamics.com), available on information and belief, at least as early as February 2000.
- ✓ 102 Duradisk, etc., [www.paulchekseminars.com](http://www.paulchekseminars.com), available on information and belief, at least as early as February 2000. ✓

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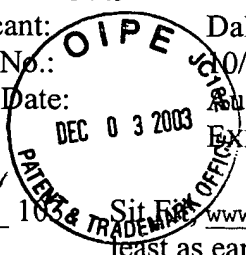
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 Sit File www.rpsportsinc.com/balance.htm, available on information and belief, at least as early as February 2000.

- ☒ 104 K.A.T. 2000, www.oemmedical.com, (printed January 10, 2000) (2 pages).
- ☒ 105 K.A.T. 500 product sheet, available on information and belief, at least as early as February 2000.
- ☒ 106 Lower Extremity, Exercise Equipment (K.A.T. Products), available on information and belief, at least as early as February 2000.
- ☒ 107 K.A.T. 550 product description, available on information and belief, at least as early as February 2000.
- ☒ 108 Pogo Ball Drawing, available on information and belief, at least as early as February 2000.
- ☒ 109 www.myfitnesstrainer.net, 4 selected screen shots (printed February 26, 2001).
- ☒ 110 JUMP BOARD: Digital Photographs showing a toy called a "jump board" made by Hedstrom Corporation, available on information and belief, at least as early as August 2000.
- ☒ 111 MFT - My Fitness Trainer.net, www.myfitnesstrainer.net, (printed August 12, 2003) (4 pages).
- ☒ 112 Forsport – MFT Balance Disc, www.forsport.co.uk, (printed August 12, 2003) (1 page)
- ☒ 113 My Fitness Trainer.net. Exercise programme for the MFT Balance Disc (copyright 2000) (14 pages).
- ☒ 114 Stamina Exercise Mats, www.workout-mat.com, (printed September 9, 2003) (2 pages).
- ☒ 115 Denise Austin Hour Glass Workout Ball, www.workout-mat.com, (printed September 9, 2003) (2 pages).
- ☒ 116 Denise Austin's Hour Glass Workout Ball, http://goodsanddeeds.com, (printed September 9, 2003) (2 pages).

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Dalebout, et al.  
 Serial No.: 10/649,318  
 Filing Date: August 27, 2003  
 For: EXERCISE DEVICE WITH ELONGATE FLEXIBLE MEMBER



Att'y Docket No.: 13914.889

- ☒ 117 Photographs of neck cushion device (photographs taken in September 2003), having dimensions of approximately 3 3/8 inches in height, 8 3/8 inches in length, and 3 7/8 inches in width, available on information and belief, prior to August 27, 2003 (11 pages).
- ☒ 118 Body Dome Owner's Manual, copyright 2003, Available prior to August 27, 2003 (15 pages).
- ☒ 119 Body Dome Exercise Program, copyright 2003, Available prior to August 27, 2003 (13 pages).
- ☒ 120 Fitter first; balance and fitness for life, Summer 2003, Available at least as early as August 14, 2003 (8 pages).
- ☒ 121 OTP, [www.optp.com](http://www.optp.com), (copyright 2002) (10 pages).
- ☒ 122 New OPTO Annual Catalog, copyright 2003, Available at least as early as August 14, 2003 (8 pages).
- ☒ 123 Vew-Do Balance Boards Board Guide (copyright 2001) (2 pages).
- ☒ 124 Cordisc (copyright 2003) (2 pages).
- ☒ 125 Egg Ball, [www.abestmall.com](http://www.abestmall.com), (printed August 1, 2003) (1 page).
- ☒ 126 Hammacher Schlemmer Egg Chair, [www.hammacher.com](http://www.hammacher.com), (printed August 1, 2003) (1 page).
- ☒ 127 Bodytrends Egg Balls, [www.bodytrends.com](http://www.bodytrends.com), (printed August 1, 2003) (1 page).
- ☒ 128 Gaiam Hourglass Workout Ball, [www.gaiam.com](http://www.gaiam.com), (printed August 1, 2003) (1 page).
- ☒ 129 Body Dome, [www.bodydome.com](http://www.bodydome.com), (printed May 20, 2003) (17 pages).
- ☒ 130 Exercise Ball (printed August 6, 2003) (1 page).
- ☒ 131 The Tri-Ball Kit Exercise & Assembly Manual, available on information and belief at least as early as November 2003 (4 pages).
- ☒ 132 Tri-Ball Workout Set, A Ball for Every-Body, copies of shipping container, copyright 2003, (11 pages).

Examiner:

Date Considered:

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Form PTO-1449

Applicant:

Serial No.:

Filing Date:

For:

Dalebout, et al.

10/649,318

August 27, 2003

EXERCISE DEVICE WITH ELONGATE FLEXIBLE MEMBER



Sheet 9 of 9

Att'y Docket No.: 13914.889

### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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